

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

**ELDRIDGE ROOSEVELT MEEKS, III,**

Plaintiff,

**Civil Action No. 4:20-cv-00029**

v.

**THE CITY OF DANVILLE**

**and**

**JACOB AMOS, LARRY DWAYNE LAND,  
JOHN PULLEY, JONATHAN EPPS,  
TODD HAWKINS AND WILLIAM SHIVELY,**

in their individual capacities,

**and**

**JOHN DOES 1 – 10,**

Defendants.

**JOINT RULE 26(f) PLAN**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties met and conferred by teleconference on July 9, 2020. Present were:

James A. L. Daniel, Esq., *Counsel for Defendants*

Martha W. Medley, Esq., *Counsel for Defendants*

Panagiotis C. Kostopanagiotis, Esq., *Counsel for Defendants*

M. Paul Valois, Esq., *Counsel for Plaintiff*

The parties, by counsel, jointly propose the following Discovery Plan:

**I. Nature and basis of claims and defenses and the possibilities for promptly settling or resolving the case.**

The parties have discussed the general nature and basis of each other's claims and defenses. The parties believe there is no opportunity for settlement at this time, given the fact that discovery is just commencing and the matter is not ripe for a settlement discussion.

**II. Rule 26(f) Discovery Plan.**

The parties have agreed to the production of certain ESI in the custody and control of the parties which is permitted under Rule 26, covering the period from May 24, 2018 (the day before the Plaintiff was in the custody of the Defendants) to June 15, 2018. For all remaining discovery of information in ESI in the custody and control of the parties which is permitted under Rule 26, the parties agree that once the parties have agreed to the Search Terms, as referenced in Section III, Paragraph 3 of this Plan, that the relevant period for production of such information shall be expanded to include such information as existed on May 25, 2013 through the date of the filing of Plaintiff's Complaint.

The parties reserve the right to move for leave to modify the applicable Relevant Period should the need arise.

The parties will adhere to discovery objections, privilege logs, and withholding of information under claims of privilege pursuant to Rule 26.

The parties agree to transmit and/or serve discovery requests and responses by electronic means (e.g. electronic mail, electronic file sharing means, and/or transmittal via Flash Drive and/or Compact Disc).

### **III. Discovery of Electronically Stored Information (“ESI”).**

The parties will comply with the rules governing electronic discovery set forth in the Federal Rules of Civil Procedure, applicable local rules, and decisional law. The parties hereby submit the following summary of the parties’ conference and agreement regarding electronic discovery matters:

1. Preservation: The parties agree to exchange initial disclosures, and a statement concerning how its or his electronically stored information (“ESI”) can be identified and/or accessed during the discovery process. The parties agree to make reasonable efforts to secure, maintain, and not destroy or delete, sources of potentially discoverable information created by any of the parties since the date this suit was filed. The parties do not anticipate issues pertaining to the disclosure, discovery, or preservation of ESI or the form in which it should be produced.
2. Deadline for Initial Disclosures: The parties hereby agree that all initial disclosures made pursuant to Rule 26(a)(1) will take place on or before Friday, August 7, 2020.
3. Search Terms: The parties have agreed to exchange search terms and once those search terms have been agreed to by both parties, the search terms provided by the Searching Party will be applied to the ESI of the Producing Party. The Producing Party will then create an ESI data set with the results and that ESI will be produced subject to an agreed ESI protocol. The parties agree to work in good faith to determine and/or revise the list of search terms to be submitted by each party. The ESI responsive to the search terms, once agreed upon by the parties, will be produced by the Producing Party by or before the deadlines applicable under the discovery rules.

3. Privileged Produced Information: The parties hereby invoke the protections of Federal Rule of Evidence 502 and specifically 502(d) and (e).

4. No Waiver of Objections: By agreeing to preserve potentially discoverable information in accordance with the terms hereof, the parties do not waive any objection to the discovery or admissibility of such information.

5. No Subject Matter Waiver: The parties hereby acknowledge that certain disclosures made pursuant to Rule 26 and Rule 16, or through other formal or informal pretrial disclosures, may result in the disclosure of documents or information that is otherwise subject to the protections of the attorney/client privilege and work product immunity. To the extent that such disclosures are made, the parties agree that any arguable waiver of these protections is made in furtherance of the letter and spirit of cooperation embodied in Rule 26 and the applicable decisional law, and that such disclosure only waives the privilege or immunity, if at all, as to the specific information disclosed. The parties agree that no subject matter waiver of attorney/client privilege or work product immunity is made or implied by such disclosures, including as to non-disclosed aspects of discovery practices, procedures, and strategies employed by the parties.

AGREED:

/s/ James A. L. Daniel

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